

ASSEMBLY BILL

No. 2584

Introduced by Assembly Member Torlakson

February 19, 2010

An act to amend Section 45277.5 of the Education Code, relating to public school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as introduced, Torlakson. Public school employees: merit system.

Existing law requires all vacancies in the classified service of a school district that has adopted the merit system to be filled from applicants on eligibility lists that are made up from promotional examinations or other specified methods. Existing law requires that, if a vacancy is filled from applicants on an eligibility list, the appointment is to be made from the eligible candidates having the first 3 ranks on the list.

Existing law, until January 1, 2012, in a school district with a pupil population over 400,000, authorizes an appointment to be made from other than the first 3 ranks on the eligibility list if specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during the probationary period or a specific gender is required for successful job performance of a position, in which case the appointment is required to be made from among the highest 3 ranks of applicants on the list who meet the special requirements. Existing law makes these provisions apply only to specified classifications of positions and to classifications that have been designated as management.

This bill would slightly expand the scope of these provisions by making them applicable to a school district with a pupil population over 399,999.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45277.5 of the Education Code is
2 amended to read:
3 45277.5. Notwithstanding Section 45277, in a school district
4 with a pupil population of over ~~400,000~~ 399,999, *all of the*
5 following shall apply:
6 (a) An appointment may be made from other than the first three
7 ranks of eligible applicants on the eligibility list if one or more of
8 the following are required for successful job performance of a
9 position to be filled:
10 (1) The ability to speak, read, or write a language in addition
11 to English.
12 (2) A valid driver's license.
13 (3) Specialized licenses, certifications, knowledge, or ability,
14 as determined by the school district personnel commission, that
15 cannot reasonably be acquired during the probationary period.
16 (4) A specific gender if it is a bona fide occupational
17 qualification.
18 (b) The recruitment bulletin announcing the examination shall
19 indicate the special requirements that may be necessary for filling
20 one or more of the positions in the classification. If a position is
21 to be filled using the authority of this section, the appointment
22 shall be made from among the highest three ranks of eligible
23 candidates on the appropriate eligibility list who meet the special
24 requirements of the position and who are ready and willing to
25 accept the position.
26 (c) If there are insufficient applicants who meet the special
27 requirements, an employee who meets the special requirements
28 may receive provisional appointments that may accumulate to a
29 total of 90 working days. Successive provisional appointments of
30 90 working days or less each may be made in the absence of an
31 appropriate eligibility list containing applicants who meet the
32 special requirements if the personnel commission finds that the
33 requirements of subdivisions (a) and (b) of Section 45288 have
34 been met. These appointments may continue for the period of the

1 provisional appointment, but shall not be additionally extended if
2 certification can later be made from an appropriate eligibility list.

3 (d) This section applies only to the following classifications:

- 4 (1) Accountant.
- 5 (2) Administrative analyst.
- 6 (3) Administrative assistant.
- 7 (4) Assistant contract administration analyst.
- 8 (5) Assistant contracts supervisor.
- 9 (6) Assistant realty agent.
- 10 (7) Contracts administration analyst.
- 11 (8) Contract assistant.
- 12 (9) Coordinating contract assistant.
- 13 (10) Educational research analyst.
- 14 (11) Financial analyst.
- 15 (12) Grants specialist.
- 16 (13) Health care advocate.
- 17 (14) Human resources specialist III.
- 18 (15) Insurance representative II.
- 19 (16) Insurance representative III.
- 20 (17) Occupational health nurse.
- 21 (18) Parent community facilitator.
- 22 (19) Principal financial analyst.
- 23 (20) Principal administrative analyst.
- 24 (21) Senior administrative analyst.
- 25 (22) Senior administrative assistant.
- 26 (23) Senior financial analyst.
- 27 (24) Senior internal auditor.
- 28 (25) Web developer.
- 29 (26) Any classifications that have been designated as
30 management.

31 (e) A school district that makes an appointment pursuant to this
32 section shall study the effectiveness of this selection method,
33 vacancy rates for each classification, and the length of time to hire
34 for each classification, and submit a report on the study to the
35 affected labor unions.

36 (f) This section shall remain in effect only until January 1, 2012,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2012, deletes or extends that date.

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